

Notice of Allowability

Application No.

10/671,396

Examiner

JOHN M. WINTER

Applicant(s)

IRWIN ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on July 9, 2007.
2. ☒ The allowed claim(s) is/are 2, 4-13 and 15-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/17/2008.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth Wales on December 11, 2007.

Claim 2.

An electronic system for managing distribution of digital content comprising:

- a. an electronic central rights provider;
- b. an electronic intermediate rights provider;
- c. at least one electronic consumer device;

wherein

- said central rights provider ~~is configured to grant~~ that grants and transmit an electronic master license to said intermediate rights provider wherein said master license includes a right to create a child license for a set of digital content associated with said master license for transmission to said at least one electronic consumer device;
- said intermediate rights provider ~~is configured to establish~~ that establishes an account domain comprising at least said consumer device wherein said consumer device registers with said intermediate rights provider by transmitting an identifier and a set of security credentials to said intermediate rights provider;

- said intermediate rights provider ~~is configured to create~~ that creates and transmit a unique account key to each of said registered consumer devices in a given account domain;
- said intermediate rights provider ~~is configured to receive~~ that recieves a request for a set of digital content from a first registered consumer device;
- said intermediate rights provider ~~is configured to create~~ that creates an electronic child license according to said request and within a set of parameters dictated by said master license;
- said intermediate rights provider ~~is configured to combine~~ that combines at least said child license, a set of account data associated with said first registered device requesting content, and said digital content in a digital rights package;
- said intermediate rights provider ~~is configured to encrypt~~ that encrypts said digital rights package by using said account key;
- said intermediate rights provider ~~is configured to transmit~~ that transmits said encrypted package to said requesting device;
- said intermediate rights provider ~~is configured to process~~ that processes a charge associated with said request using said account data associated with said requesting device; and
- said intermediate rights provider ~~is configured to transmit~~ that transmits a set of settlement data associated with said charge to said central rights provider.

Allowable Subject Matter

Claims 2,4-13 and 15-19 are allowed over the prior art record.

The following is an Examiner's statement of reasons for allowance:

The closest prior art of record Meyer (US Patent 6,810,389) teaches a system and method for flexible packaging of software application licenses.

As per claim 2 none of the art of record, taken individually or combination disclose at least the steps/components of: " said central rights provider that grants and transmit an electronic master license to said intermediate rights provider wherein said master license includes a right to create a child license for a set of digital content associated with said master license for transmission to said at least one electronic consumer device; said intermediate rights provider that establishes an account domain comprising at least said consumer device wherein said consumer device registers with said intermediate rights provider by transmitting an identifier and a set of security credentials to said intermediate rights provider; said intermediate rights provider that creates and transmit a unique account key to each of said registered consumer devices in a given account domain; said intermediate rights provider that receives a request for a set of digital content from a first registered consumer device; said intermediate rights provider is that creates an electronic child license according to said request and within a set of parameters dictated by said master license;

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of " establishes an

Application/Control Number:
10/671,396
Art Unit: 3621

Page 5

account domain” are not a feature normally associated with licensing systems and therefore would have to be disclosed by art unrelated to licensing systems.

Claim 2 is allowable for the above cited reasons.

Claims 4-13 and 15-19 are dependant upon claim 2 and are therefore allowable for at least the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713.

The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


John Winter

Patent Examiner -- 3621